

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HANS C. EHNERT,

Plaintiff,

V.

STEAMFITTERS LOCAL 449,

Defendant.

2:18cv979

Electronic Filing

MEMORANDUM ORDER

March 7, 2022

Plaintiff, Hans C. Ehnert (“Ehnert” of “Plaintiff”), commenced this discrimination action against Defendant, Steamfitters Local 449 (“Union”) in 2018. The case was referred to a magistrate judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules of Court for Magistrate Judges. Plaintiff filed an Amended Complaint on May 30, 2019, (ECF No. 29), and the Union filed as motion to dismiss (ECF No. 31). Such motion was granted in part and denied in part leaving Plaintiff claims for disability discrimination (actual and perceived) and retaliation under the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12101 et seq., and a claim for discrimination under the Age Discrimination in Employment Act (“ADEA”), 29 U.S.C. § 621 *et seq.*

On May 21, 2021, the Union filed a Motion for Summary Judgment (ECF No. 93). On November 11, 2021, Magistrate Judge Patricia L. Dodge filed a Report and Recommendation (ECF No. 106) in which it was recommended that the Union’s Motion for Summary Judgment be granted. Specifically, Judge Dodge found that: (1) Ehnert was unable to meet his burden of establishing a *prima facie* case of disability discrimination, finding that collateral estoppel and judicial estoppel barred his disability discrimination claims; (2) Ehnert’s ADEA claim was also

barred by collateral and judicial estoppel; and (3) Ehnert's retaliation claim failed because he was unable to direct the Court to sufficient from which a reasonable juror could find a *prima facie* case of retaliation under the ADA.

Pursuant to the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Civil Rules, the parties were permitted to file objections to the Report and Recommendation on or before November 19, 2021. Ehnert filed Objection to the Report and Recommendation (ECF No. 109) and the Union Responded (ECF No. 110) thereto.

After a comprehensive review of the pleadings and documents in the case, together with the Report and Recommendation, Ehnert's Objections, and the Union's Response, the following Order is entered:

AND NOW, this 7th day of March, 2022,

IT IS HEREBY ORDERED that the Motion for Summary Judgment (ECF No. 93) filed by the Union is **GRANTED**. Final judgment pursuant to Rule 58 is hereby entered in favor of Defendant, Steamfitters Local 449, and against Plaintiff, Hans C. Ehnert.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 106) dated November 5, 2021 is adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk shall mark the case **CLOSED**.

s/ DAVID STEWART CERCONE
David Stewart Cercone
Senior United States District Judge

cc: Hans C. Ehnert
1082 Lyon Portal Road
Washington, PA 15301
(Via First Class Mail)

Joseph J. Pass, Esquire
Steven E. Winslow, Esquire
Magistrate Judge Patricia L. Dodge

(Via CM/ECF Electronic Mail)